



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

OLE K. NILSSEN  
200 N HARRISON STREET  
SUITE 103  
ALGONQUIN, IL 60102

**COPY MAILED**

SEP 01 2006

**OFFICE OF PETITIONS**

NOTICE

In re Patent No. 5,426,349 :  
Issue Date: June 20, 1995 :  
Application No. 08/107,649 :  
Filed: August 18, 1993 :  
Attorney Docket No. :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. **154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

*Irvin Dingle*  
Irvin Dingle  
Petitions Examiner  
Office of Petitions